1:11-cv-13381-TLL-CEB Doc # 13-9 Filed 10/05/11 Pg 1 of 2 Pg ID 450

Susan Payne Woodrow, JI

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June 6, 2010

Licensed in: Tennessee Michigan Florida

Mr. Thomas Morrow Home School Holdings, Inc. 2700 S River Road, Suite 106 Des Plaines, IL 60018

Priority Mail® Label Number: 9410 8036 9930 0019 7783 05

Mr. Thomas Morrow Wave 3 Learning, Inc. 126 East Wing Street Suite 240 Arlington Heights, IL 60004

Priority Mail® Label Number: 9410 8036 9930 0019 7782 82

Dear Mr. Morrow:

I represent AVKO Educational Research Foundation, Inc. (AVKO). This letter provides notice of AVKO's intent to institute litigation against you individually, Home School Holdings, Inc.(HSH), and Wave 3 Learning, Inc. (W3L) unless you cure the breaches and infringements as set forth below.

HSH only has the publishing rights to The Works, nothing more. It is fraud and infringement for you, HSH or W3L to represent ownership of the copyright. Regardless, HSH has no right to publish since you are in breach of the contract, in particular ¶ 3. a) The Payment and ¶ 2. b) providing two desk copies of altered materials.

Further, you, HSH, or W3L, have represented in documents, online, and in the books legend that the material is copyrighted by W3L. This is false and is an infringement of AVKO's copyrights. You are to remove the indication of W3L copyright from all publications and replace it in the legend with the AVKO copyright, and prominently place a statement on HSH and W3L websites that the copyright is owned by AVKO. Additionally, anywhere that you have represented that W3L or HSH own the copyright, or infer that they own the copyright, you are to post a retraction that indicates the copyright ownership of AVKO.

You, individually and as HSH or W3L or any other entity, are to cease and desist from any and all publishing, distribution and sales of any part of Sequential Spelling and its derivatives, which are denominated as The Works, until:

- 1- full payment is made in cash pursuant to ¶ 3. a),
- 2- an accounting is provided showing the revenue to date,
- 3- provide two (2) desk copies of updated materials, and
- 4- remove, retract and repudiate all references whatsoever that HSH or W3L own or have any rights to the copyright of any portion of The Works.

These breaches must be corrected immediately. Because of the breach of the contract by you and HSH, and the fact that there is no contract with you and W3L or any other entity, AVKO is no longer bound by, nor will it honor, the contract. If no resolution is reached within 45 days, AVKO will institute suit for breach of contract, copyright infringement and damages.

As of the receipt of this letter, you are prohibited from publishing, distributing, selling, donating or otherwise acting as publisher in any capacity whatsoever regarding The Works or any portion of it without the specific permission of AVKO for each instance. I suggest you or your attorney respond to me within 10 days to explore a resolution.

Sincerely,

Susan Payne Woodrow Cc: AVKO, Don McCabe, Acting Director

AVKO Exhibit J1/2

Cut on dotted line.

# Instructions 1.11-cv-13381-TLL-CEB Doc # 13-9

- 1. Each Click-N-Ship® label is unique. Labels are to be used as printed and used only once. DO NOT PHOTO COPY OR ALTER LABEL:
- 2. Place your label so it does not wrap around the edge of the package.
- 3. Adhere your label to the package. A self-adhesive label is recommended. If tape or glue is used, DO NOT TAPE OVER BARCODE. Be sure all edges are secure.
- 4. To mail your package with PC Postage®, you may schedule a Carrier Pickup online, hand to your letter carrier, take to a Post Office™, or drop in a USPS collection box.
- 5. Mail your package on the "Ship Date" you selected when creating this label.

# Fighthe Laber Record (Lab) 4512)

#### Signature Confirmation™ Number: 9410 8036 9930 0019 7783 05

Total:

Paid Online

Weight:

Transaction #: 200131817 Print Date: 06/07/2011 Ship Date: 06/07/2011 Priority Mail® Postage: Signature Confirmation: \$2.05

(Electronic Rate)

From: SUSAN P WOODROW

Ref#: AVKO SUSAN PAYNE WOODROW, J.D., P.C.

3631 DOROTHY LN

0 lb 1 oz

WATERFORD MI 48329-1108

MR. THOMAS MORROW

HOME SCHOOL HOLDINGS, IN

2700 S RIVER RD

**STE 106** 

**DES PLAINES IL 60018-4104** 

Commercial Base Pricing Priority Mail rates apply. Signature Confirmation service electronic fee required. Delivery information is not available by phone for the electronic rate. Refunds for unused postage paid labels can be requested online 10 days from the print date. A copy of the recipient's signature will be faxed or mailed upon request by visiting the web site listed below or calling 1-800-222-1811.



Thank you for shipping with the United States Postal Service! Check the status of your shipment on the Track & Confirm page at usps.com

Cut on dotted line.

#### Instructions

- 1. Each Click-N-Ship® label is unique. Labels are to be used as printed and used only once. DO NOT PHOTO COPY OR ALTER LABEL.
- 2. Place your label so it does not wrap around the edge of the package.
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- 5. Mail your package on the "Ship Date" you selected when creating this label.

## Online Label Record (Label 2 of 2)

#### Signature Confirmation™ Number: 9410 8036 9930 0019 7782 82

Paid Online

Transaction #: Print Date: Ship Date:

Weight:

200131817 06/07/2011

06/07/2011 0 lb 1 oz

Priority Mail® Postage: Signature Confirmation: \$2.05

(Electronic Rate)

\$6.80

Total

SUSAN P WOODROW From:

SUSAN PAYNE WOODROW, J.D.,

3631 DOROTHY LN WATERFORD MI 48329-1108

MR. THOMAS MORROW

WAVE 3 LEARNING, INC

126 E WING ST SUITE 240

ARLINGTON HTS IL 60004-6064

\* Commercial Base Pricing Priority Mail rates apply. Signature Confirmation service electronic fee required. Delivery information is not available by phone for the electronic rate. Refunds for unused postage paid labels can be requested online 10 days from the print date. A copy of the recipient's signature will be faxed or mailed upon request by visiting the web site listed below or calling 1-800-222-1811.

### AVKO Exhibit J2/2



Thank you for shipping with the United States Postal Service! Check the status of your shipment on the Track & Confirm page at usps.com